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THE CONTINENTAL JOURNAL AND WEEKLY ADVERTISER.

FRIDAY, DECEMBER 19, 1776. [NUMB. XXX.

BOSTON: PRINTED BY JOHN GILL, IN QUEEN-STREET.

Boston, December 16, 1776.

MR. GILL,

I WAS well pleased with those strictures, in your last Journal, upon that *avarice*, which is so generally prevalent at this day. ◊ The writer of them has, in a spirited manner; tho' not beyond what is just, represented it as one of the most base, sordid, infamous, and hurtful of all immoralities. ◊ And what he has said upon this head has a sufficiency in it to fill those with confusion, who insatiably thirst after gain, and will go into any of the methods of oppression, that they may come to the enjoyment of it; and it would have this effect, if their moral powers were not so vitiated as to be incapable of doing their proper office: which, being the case too generally, all application to them as intelligent agents is labor in vain. What then can be done to restrain this vicious temper, and conduct thereupon? The writer in your paper "leaves the arduous task with the author of nature and accident." But surely, he did not bear it in mind, that we have no reason to expect, in this case, the interposition of the God of nature, or his overruling the operation of accidents, while no proper use is made of those means he has given us understandings to devise, and power to carry into effect. He is, as it appears to me, greatly mistaken in his reasoning upon this matter, he says, "It is an attribute or first principle of trade, that it should be *free*. It no means here to [illegible] liberty; it is not the freedom of a *moral* being; nor is it a freedom that will be approved of by God, nor is it allowed by any nation on the earth. *Trade*, in every part of the world, is under restraint of one kind or another. And was it uncontroulable by human laws, it would be as arbitrary and tyrannical as any oppression we are now struggling to be delivered from. Must no laws be made to guard society against those evils, which the numerous vices of the wicked would bring upon it, because there may be some individuals, who, by *stratagem* and *cunning*, might evade their force, or escape the penalty annexed to them? It is not to be expected, that human laws should eradicate that love of money out of the hearts of the avaricious, which is the bitter root of so much evil in the world; or that they should be so made as, in all cases, and at all times, to prevent their counteraction by the subtle craft of some individuals. But this notwithstanding, they may be of great service, by restraining the operation of that oppression in trade, which might otherwise be destructive to the public. It ought to be considered, the design of trade, if viewed with respect either to God, or the dictates of uncorrupted reason, is not merely the private interest of the individuals that carry it on, but the good of the public connected therewith. And no man has a right to *such unlimitted freedom in trade*, as that, in the management of it, he may oppress, over reach and defraud his neighbour; much less have the *body of traders* a right, either in the sight of God, or unbiassed reason, to *such freedom* in trade as shall be subversive of the good of the community of which they are a part. *Monopolizing*, when here by private interest only intended to the suffering of the public, by oppression and extortion, is perfectly consistent with *freedom in trade*, NATIONAL FREEDOM mean, for government to prohibit, or restrain, and to do this with all proper severity; tho' should be true, that some hardened, infamous, crafty worldlings would dare notwithstanding to continue this practice, in expectation of an escape from punishment. ◊ In like manner, if *publicans* should become a *public nuisance*, through the ignorance, the caprice, the folly of a giddy multitude; or, what is much worse, thro' the artful flattery of those who let their goods to sale; it would be perfectly right, either totally to destroy them, or to lay them under such restraints, as that they might be beneficial, and not detrimental to the public: Nor would this argue the least inconsistency with "the first principle of trade, its being *free*", unless by freedom is meant *unreasonable* liberty, which is liberty that ought and must be restrained, when it so far exceeds the bounds of that which is right, as to endanger the well being of society; otherwise mankind would be in a most miserable condition, and without all right to do any thing in order to their getting out of it. Most certainly, when men, under the influence of unsatiable covetousness, are become so impudently bold, as to be able, without a blush, openly to inhance, by their own bidding, the price of their own goods; 'tis high time that vendues should be regulated, or intirely put down. ◊ The short of the matter is, restraints may reasonably, and in consistency with that liberty which is proper to intelligent moral agents, be laid upon the operation of the vices of men; though in many cases human laws may be evaded by art and cunning. And *trade* may, with as much reason, be laid under such restraints as are necessary to promote the public good, tho' here and there a cunning oppressor should escape with impunity. Laws respecting trade should be made with care and caution; but to say, that no laws can, or ought to be made, because *trade is free*, is in effect to say that freedom in trade may be the most licentious tyrannical oppressor in all nature. ◊ F. W.

From the New York Gazette of December 2d. printed by HUGH GAINE, *we have taken the following.*

PROCLAMATION.

By RICHARD VISCOUNT HOWE, of the Kingdom of *Ireland*, and WILLIAM HOWE, Esqs General of His Majesty's Forces in AMERICA, the KING's Commissioners for restoring Peace to His Majesty's Colonies and Plantations in NORTH-AMERICA, &c. &c. &c.

PROCLAMATION.

WHEREAS by our Declarations of the 14th of July, and 19th of September last, in Pursuance of His Majesty's most gracious Intentions towards His Subjects in the Colonies or Provinces of *New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pensylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North Carolina, South Carolina*, and *Georgia*, all Persons speedily returning to their just Allegiance were promised a free and general Pardon, and were invited to accept, not only the Blessings of Peace, but a secure Enjoyment of their Liberty and Property, upon the true Principles of the Constitution: AND WHEREAS, notwithstanding the said Declarations, and the Example of many who have availed themselves of the Assurances therein made, several Bodies of armed Men, in open Contempt of His Majesty's proffered Clemency, do still continue their Opposition to the Establishment of legal Government and Peace; and divers other ill-disposed Persons, pursuing their own ambitious Purposes in the Exercise of a lawless Influence and Power, are using fresh Endeavors, by various Arts and Misrepresentations, to alienate the Confidence and Affection of His Majesty's Subjects; to defeat every Plan of Reconciliation, and to prolong the unnatural War between *Great-Britain* and her Colonies: NOW, in order to the more effectual Accomplishment of His Majesty's most gracious Intentions, and the speedy Restoration of the public Tranquility; and duly considering the Expediency of limitting the Time within which such Pardon as aforesaid shall be granted, and of specifying the Terms upon which only the same shall and may be obtained, WE DO in His Majesty's Name, and by Virtue of the Powers committed to Us, hereby charge and command all Persons whatsoever, who are assembled together in Arms against His Majesty's Government, to disband Themselves and return to their Dwellings, there to remain in a peaceable and quiet Manner; AND WE also charge and command all such other Persons as are assembled together under the Name of General, or Provincial Congresses, Committees, Conventions, or other Associations by whatever Name or Names known and distinguished, or who under the colour of any Authority from any such Congress, Committee, Convention, and other Associations, take upon them to issue or execute any Orders for levying Money, raising Troops, fitting out armed Ships and Vessels, imprisoning or otherwise molesting His Majesty's Subjects, to desist and cease from all such treasonable Actings and Doings, and to relinquish all such usurped Power and Authority, so that Peace may be restored, a speedy remission of past Offences quiet the Apprehension of the guilty, and all the Inhabitants of the said Colonies be enabled to reap the Benefit of His Majesty's paternal Goodness in the Preservation of their Property, the Restoration of the Peace, and the Security of their most valuable Rights, under the just and moderate Authority of the Crown and Parliament of *Great-Britain*: AND WE DO hereby declare, and make known to all Men, that every Person who within SIXTY DAYS from the Day of the Date hereof shall appear before the Governor or Lieutenant Governor, or Commander in Chief in any of His Majesty's Colonies or Provinces aforesaid, or before the General or commanding Officer of His Majesty's Forces in *America*, or any other Officer in His Majesty's Service having the Command of any Detachment or Parties of His Majesty's Forces there, or before the Admiral or Commander in Chief of His Majesty's Fleets, or any other Officer commanding any of His Majesty's Ships of War, or any armed Vessel in His Majesty's Service, within any of the Ports, Havens, Creeks, or upon the Coasts of *America*, and shall claim the Benefit of this Proclamation, and at the same Time testify his Obedience to the Laws, by subscribing a Declaration in the Words following: "*I, A. B. do promise and declare, that I will remain in a peaceable Obedience to His Majesty, and will not take up Arms, nor encourage Others to take up Arms in Opposition to His Authority*," shall and may obtain a full and free Pardon of all Treasons and Misprisions of Treasons, by him heretofore committed or done, and of all Forfeitures, Attainders, and Penalties for the same; and upon producing to Us, or to either of Us, a Certificate of such his Appearance and Declaration, shall and may have and receive such Pardon made and passed to him in due Form.

GIVEN at NEW YORK, this Thirtieth Day of NOVEMBER, 1776.

HOWE,
W. HOWE.

By Command of their Excellencies,
HENRY STRACHEY,

Choice three threaded Sein Twine,

DUTCH scales, Dutch looking glasses, bolting cloths, field glasses, chimney tile. To be sold enquire of the Printer.——Also, a genteel finished house pleasantly situated, to be let, and a full back chaise compleatly finished, as good as new, hung on brass springs, to be sold.

(3) see indexes, under Army of the United Colonies.
(4) a stroke at the Congress, who are the Quintessence of virtue, learning & patriotism, collected from the 13 United States.
(5) see index, under Congress Continental.
(6) see index under Congress Provincial
(7) see index under Committees
(8) see index under resolves.
(9) see index under Naval Affairs.
(10) see indexes under men of war.

& see pa. 989. the Marginal Note at the bottom, & Top. × See list of Grievances pa. 971. ‖ See pa. 1058. ∨ see indexes, under Troops British ∨ see indexes under Army British — Men of War — Army of the united Colonies — & Naval Affairs. (1) see pa. 979, 1025. (2) see Magna Charta, pa. 790, 1050. — & petition of right, pa. 816 — Bill of rights, pa. 1053. Vol. 2. & Town Charter, pa. 1079. Vol. 2.

(a) See index, under Army of the United Colonies, & page 1060 & see pa. 1022, with the references

v see page 1059 (1) see marginal Note, march. (2) pa. 1059. x see list of Grievances, pa. 971. (2) see declaration pa. 971. y see index, under Army British, & Men of War — Army of the United Colonies, & Naval Affairs. & see index, under Army of the United Colonies. & see indexes, under Troops British & see indexes, under Men of War (4) see Formidable Army page 1017 (3) a Tory who fled from Boston with the Troops, see pa. 905. & his other letter, pa. 1048.

BOSTON, December 19.

IT may suffice, for the present, to observe, that the *proclamation* in the first page of this paper, contains little in it besides a *pardon* to those who have been guilty of no crime, and together therewith a vague indeterminate intimation, with respect to their "reaping the benefit of his Majesty's paternal goodness in the preservation of their property, and the security of their most invaluable rights, under the just and moderate authority of the Crown, and Parliament of Great-Britain"(1) Americans well know, from the cruel sufferings they have felt, and still feel, what idea to form of "the paternal goodness and just and moderate authority, of the Crown and Parliament of Great-Britain". This they have signified to the world, by their *declaration of independance*, which they were driven to in justice to themselves, and their posterity; nor is their one in a thousand among them, but will venture their fortunes and lives in the support of it against all opposition. *Charges* and commands from an authority that has been openly disclaimed, does not appear a very likely method to establish peace, in the room of that unnatural war, which has been, and still is, as hurtful to Great-Britain, as to these states. Their may be a comparatively small number of *friends to what they call government*, who may be pleased with this proclamation; and it is the general hearty wish, that they would all take the benefit of it, (if their is any in it) and repair to New-York, to this end. The several states in America would gladly be at the expence of their transportation; as being fully satisfied they would do less mischief *there*, than where they now live.

For the Encouragement of the Soldiers.

Mr. GILL,

YOU are desired to inform the public, That the General Assembly in their session last October, in order to prevent the soldiers from being imposed upon by the sutlers as they were the last campaign; appointed a committee to purchase such slops or small stores, roots, vegetables, &c. as they shou'd think necessary for the present and future relief of that part of the Continental Army, both northern and southern, that has been raised in this state, and to convey the same to the commissaries in proportion to the number of soldiers in their respective departments; and the commissaries are to sell said articles at the prime cost and charges, and NO MORE. The commissaries to be accountable to the General Court for their doings in said office, and to be allowed for their services as the court shall think just.

By a gentleman from Falmouth, we have collected a more particular account of what happened at the Elizabeth-Islands; on or about the 6th day of December the enemy made their appearance with two ships in the mouth of the Sound between Gay-Head and the westermost islands, after cruizing two days some of the crew went ashore on the outermost island, where was a little hutt, after buying a few turkeys, asking the price of sheep, and what force was at Tarpaulin-Cove, on Naushan-Island, they went on board ship again, came to sail and run into Robinson's-hole, near which place lived Mr. Jeremiah Robinson, a quaker, who made not the least opposition to their landing, but his family through fear, which consisted of his wife, an aged mother of 80 years, with 9 or 10 children, fled to the woods for safety. The enemy landed about 150 men, plundered and burnt the house in which was all the poor man's beef, pork, roots, butter, cheese, &c. together with all his furniture, not content with all this, they burnt his corn barn, in which was all his grain, killed and carried off two or three cattle and hogs; likewise killed and left dead on the ground some of his milch cows, and wounded and mangled others in the most cruel manner. —Thus was a peaceable and good liver in a few hours reduced to the greatest distress, by worse than brutal enemies.

Capt. Nye who was stationed at the Cove, with the help of the militia from the neighbouring towns very soon made a strong party, went up to the west end of the island, but they had gone on board the ships, and the next day stood out of the sound. We have not been able to learn who commanded the ships.

By a Vessel arriv'd at Cape-Ann from Guadaloupe in 19 Days, we learn, that before the sail'd six French men of war and some tranports arriv'd there from France, who were part of a fleet that bro't 15,000 troops; and that the Captains of the men of war said they did not doubt but that war was declar'd in France against England before their arrival.

Extract of a Letter from Peek's Kill, (New-York) December 4, 1776.

"I am now preparing to set off for the Jerseys, to which place General Lee with his division is now wending his course. General Washington has received a reinforcement from the southward, and part of the troops late at the northward have also join'd him, with General Gates.—I make no doubt some stroke of importance will soon be struck, as the enemy dare so flush'd with their late successes, that they have ventured to divide themselves into several small bodies.—They have about 10,000 men on the Jersey side of the river; the main body between Newark and Elizabeth-Town. General Washington is at Brunswick. Our men begin to enlist fast; and I hope we shall at least be able to make a stand 'till the new army is compleated. The inhabitants of Bergen county, and the lower part of Orange, have gone in, and made their submission to the King in the person of *his Commissioners*; but I trust their loyalty will be but short-liv'd, and that General Lee will teach them to dance to a tune very different from "God save the king".

Another of Peter Oliver, Jun'rs Letters that was taken in the Ship lately bro't in here.

To Col. Edson, at Ushalax, Nova-Scotia.

London, St. James's Street, July the 10th, 1776.

DEAR SIR,

I Flatter myself it will not be disagreeable to you to hear from me; and therefore take this opportunity to inform you where we are and how we got here.

At present we live in Governor Hutchinson's family, but my Father has taken a house in High-Street, Mary-bone Garden's, in which we shall soon move to.

Thanks to a kind providence we arrived at Falmouth in thirty-five days, being the twenty-ninth of April, after a most disagreeable passage; the eleventh of May we got up to London all safe; for my part I am as well, or better, than I ever was in all my life; Mrs. Oliver and the children are hearty. A most fertile country beyond description. Such confusion of different noises; such constant pouring of carriages; such large businesses carried on in every branch of the arts is enough to turn the brains of a poor Middleborough Doctor that was not turned before. Why Col. Edson words are wanting to describe London to you; it is beyond any thing I ever had any idea of; it is the wickedest and best place on the globe; robberies are as frequent here, as getting drunk in Middleborough was; the public charities for orphans, for foundlings, for reclaiming common prostitutes, for the sick and lame, for poor pregnant women, and many other objects are all supported by a voluntary subscription. We read "charity covereth a multitude of sins," and I am led to think that this is the reason that providence smiles on this kingdom; for it is allowed that there are more public charities in London than in the globe besides. To every order there is public charities to support those who are advanced in life, and beyond getting their bread by their calling—it is amazing the different curiosities—the many different ways the people have of getting a living, and yet the beggars are plenty.

I have had the pleasure of seeing his majesty many times, but saw the queen but once—they are both much liked of. (6)

The infamous Wilkes is lower than ever. I hope you will have the pleasure of seeing your dwelling within these twelve months, as I think there are troops enough gone out to conquer, if they can conquer.—The news of Quebec must give you all good spirits.—I charge you retain the same fortitude I left you possest of—Have but a little patience, and I trust in providence we shall meet again in our own homes, and sit under our own roofs, and none to make us afraid. (a) such a rebellion never can be supported through by heaven.—the people must and will be humbled—they have only been suffered to go on that the judgments of heaven may fall the heavier upon them. 'Tis owing to exceeding disagreeable to me, and must be to all of you, to leave your pleasant habitations to the rage of a distracted people—but it is no doubt best, and we shall one day or another rejoice that it happened. I am positive. Be kind enough to give the inclosed to Mr. Spooner if he be with you, if he is gone any where else, and no streight opportunity offers that it can be conveyed to him, burn it. Let me hear from you by the first opportunity, how you are, and where you are, and whether you have any news from the county of Plymouth from any of my old acquaintance: In the mean time I pray heaven to protect you through the remainder of your life; may you be so prospered as to meet your good wife and children under your own roof; and may your integrity, which I know of no man to have more, be rewarded with seventy fold blessings.—I assure you it will give me the highest pleasure to receive a long letter from you, as great as any thing besides setting my feet upon land after a voyage of thirty five days.

I am your's most sincerely,

PETER OLIVER, jun.

Thursday last, Captain Palmer, in the Brig Elizabeth, belonging to the United States of America, arrived in a safe Port from Marseilles in France, which he left the 7th of October, with a valuable Cargo of Linnens and coarse Woollens. He informs that greater Preparations for War were making in France, when he left that Place, than had been known there for 20 Years past; and that two large Squadrons, one from Brest, the other from Toulon, were to sail on the first of January next, on an Expedition somewhere, but that their Destination was a profound Secret. Mr. *Silas Deane* was well in Paris a Day or two before he sailed.

Extract of a Letter from Brest.

"In consequence of some business lately negociated at the court of Versailles by an American gentleman, a number of vessels are fitting out at this and other ports in France to carry on an extensive trade with the colonies. Two men of war from this place, and three frigates from Toulon, are sailed to cruize on the coast of America, to protect our vessels from any insults that may be offered to the flag of France in that part of the globe." (10) see index, under New York.

By a Person arrived in Town last Friday from Halifax, which Place he left that Day three Weeks, we are informed, That the Day he came away 15 Sail of Transports arrived there, and by what he could learn, they had on board a Number of Hessians; and being questioned whether Hessians or Russians? he replied he was certain they were Hessians; to that it's not improbable they are a Part of the Fleet which lately left New-York. (10) Eleven Sail more were seen standing in there before our Informant was out of Sight.

The Enemy are in Possession of Newport, in Rhode-Island, but what Number we have not learnt; and we hear that the noted Joseph Wanton, Esq; is appointed Governor of the same, and has given Orders for those who desire Protection from (what is called) Government, to affix a White Flag to their respective Houses. (9)

Capt. Tucker, in a privateer from Salem has taken a prize snow, laden with rum, sugar, &c. and sent her into Portsmouth. (9)

ALL concerned, are hereby Notified, That the Courts of Probate for the County of Suffolk, will, for the future, be held at the Probate-Office in Boston, on Fridays at Ten o'Clock in the Forenoon. [2]

TO BE SOLD,
By JOSHUA BLANCHARD,
On Dock-Square, BOSTON.
A few Hogsheads choice West India Rum, a few Pipes and Quarter-Casks of Fyal wine, a few Barrels of fine white Sugar, some Barrels good brown Sugar, a Quantity of ground Ginger, a Quantity of English Loaf sugar, Jamaica Spirit, some Casks of very good Currants, Brandy. A few Cases of excellent Porter. N. B. Porter drawn at 2/. 6d. per Gallon, or 9d. per Quart.

ZEBADIAH ABBOT
DESIRES all Persons having Demands upon him for Rum, to bring their Receipts immediately, as he is ready to pay them. *Answer, Dec. 13, 1776.*
N. B. He will attend the Business on Thursdays as usual.

Cash given for all Kinds of shipping FURS, by JAMES JACKSON, in Union-Street, a little below the Market-House.

To be Sold by PUBLIC AUCTION,
At Mr. BICKET's Store in Salem,
On WEDNESDAY 25th December.
About 500 Quintals good COD FISH.
Sale to begin at Twelve o'Clock.

To be Sold at PUBLIC AUCTION,
On FRIDAY the 27th December Inst.
At TEN o'Clock, A. M.
At the House of BEN. BURDICK, Jun. in *Marblehead*,
THE prize brig BETSEY, about 120 tons burthen; an English built vessel, well found, and in good order, rigging; her cables about 100 fathom, each almost new, with a hawser partly worn, 3 good anchors, boat, &c. —Inventory to be seen, and vessel and appurtenances to be reviewed any time before the sale, by applying to BENJAMIN BURDICK, Auctioneer.

At the same Time and Place,
Will be Sold at VENDUE,
A Fine English cable, call'd 130 fathom in length, full 12 inches, about 3200 wt. never used; 3 hawsers of 5 inch, about 300 fathom each, partly worn; 1 anchor of 800 wt. 2 ditto of 400 wt. 4 new swivel cannon, 2 pounders; 4 new swivels, well mounted; 1 fine copper stoves, with all the apparatus; a new foresail, main-sail and top-sail, of the best English duck, for a brig of 150 or 200 tons; several other very good brig's sails; a sloop's jibb almost new; a chest of carpenter's tools, consisting of saws, augurs, caulking irons, axes, hammers, mawls, cannippers, plains, &c. &c. brass compasses.

BOSTON, September 3, 1776.

In Committee of Correspondence, Inspection and Safety.

WHEREAS the keeping up a Correspondence with our inveterate enemies, particularly the fleet and army now employed against the UNITED STATES, or those open and avowed opposers of our rights, must have forfeited all title to our confidence and protection, by seeking refuge under the power which has been long engaged in the destruction of this country, is in direct violation of the laws of this State, and may be attended with the most fatal consequences to the public safety.

ALL persons therefore who may arrive in this town from Halifax, or any port or place in possession of, or infested by our said enemies, are hereby directed to leave their names with all the letters they bring with them, and a memorandum of their places of abode, with some member of this committee, or at the office of THANIEL BARBER, Esq; as soon as may be after their arrival here. A non-compliance with this requisition will be deemed evidence of an unfriendly design in the person or persons against the interest of the UNITED STATES, and they will be proceeded against accordingly. *By order of the Committee.*

ELLIS GRAY, Chair.

WANTED TO HIRE,
A MAN to tend in a tavern
take care of horses. Enquire of the PRINTER.

BOARDING, in the genteelest Manner and upon moderate Terms, to be had at MARY LORING's behind the Brick Meeting-House, near the State-House, BOSTON.

(5) A Vandamius Councellor, see pa. 549, & 554, he fled with the Troops, pa. 905. (6) see Wilkes's speech, pa. 1054; & see indexes, under Wilkes (7) see pa. 943, 1018, 1020. (8) see Tories Sufferings, pa. 674. (9) see index, under Naval affairs (10) see index, under New York. (11) pa. 1061.

1061

LONDON, August 20.

A letter from a gentleman at Philadelphia, "You have no doubt heard that the Indians have declared in favour of America; I do not, however, assure you they have absolutely refused to oppose the Great King. The Congress has used every art that could be devised to induce them to take up the hatchet, but to no purpose. I was present at a talk held by the deputies from the Congress with the Chiefs of the six nations, about three months ago, and was exceedingly pleased with the gratitude and the sweet simplicity of an ignorant and unpolished people. Finding they could not by fair argument prevail on the Indians to join the Congress, a clergyman from Boston, a celebrated orator, made a pompous oration, addressed to the passions, near the conclusion of which he took up twelve reeds, saying "Brethren, if you join us, we shall be like twelve reeds, so strong that we cannot be broken, we shall overcome and trample our enemies under our feet; but if you refuse to join us, Brethren, we shall be each of us like a single reed, thus crushed (breaking one) by the great person beyond the Lake." On this rose up an aged warrior, and said, "Brothers, settle your disputes among yourselves, we Indians will not interfere; we have received many favours from the King beyond the Lake; we will not oppose him, he has done us no hurt; he is like one great stick, much bigger and stronger than all your reeds: Brethren, we owe you no ill, we would live in peace under the great King, do us no injury yourselves and we will not hurt you." The Deputies were much disappointed at their reception from the Indians, and finding they would not join America, the Congress now rail loudly at the wanton cruelty of government's arming the savages of the desart to oppose them, though they themselves first endeavoured to arm them against government.

The Edinburgh Courant, received yesterday, contradicts the account in the Edinburgh Advertiser, mentioning Sir William Erskin's being taken by an American Privateer with the money of the 71st regiment, and says, it is without all foundation, as he sailed on board the Ocean, a ship of 18 carriage guns, and proceeds entirely upon the supposition of his having been on board the Venus, Capt. Wilson, which, with the Crawford, Capt. M'Lean, was taken and carried into Boston. On board the first was Capt. Fraser's company, and Capt. M'Leod with his company on board the other. Upon their being attacked by four privateers, whom they fought a considerable time, and obliged them to shear off. They went into Hatchet's Road in expectation of finding the men of war there, but, in place thereof, were surrounded by a great number of armed schooners, who, with the assistance of the privateers formerly beat off, carried them into Boston.

The new raised corps in Ireland, commanded by Capt. Dalrymple, late of the 20th regiment, are ordered immediately to Jamaica.

The Empress of Russia has finally concluded a Treaty with our court, by which it is expressly stipulated, that 24,000 Russians shall be embarked for America by the beginning of April, 1777. *False they did not come.*

The Josepha, Hill, from Cadiz, for which the owners had so many fears, has been out from that port 35 days, though the passage is generally made from thence to London in 14 or 15.

This day, however, advice was received by the Lisbon mail, that the above ship having sprung a leak is put into Lisbon to repair — Sixty per cent had been offered upon her Last night and refused.

Besides the money on board her on the merchants accounts, the said ship is reported to have 50,000 dollars on account of the king of Spain.

October 4. The king has taken the greatest pains to enter in his military ledger the names of all the officers that were wounded, or mentioned for behaving well in the late actions in America, in order that the preferment may be under his own eye: he has been so solicitous about this matter, that Lord Sandwich and Lord Barrington have been with him several times about it; and General Hervey having received a private letter in which mention was made of a lieutenant behaving very gallantly, the king made him read it to him, and when he came to that passage, took out his pocket-book and made a memorandum of it.

HARTFORD, December 16.

Messrs. Mills and Hicks, late printers in Boston, have opened an office in New-York, in company with one Howe, where they print a weekly paper, from one of which the following paragraphs are extracted.

NEW-YORK, Nov. 28.

Ships fitted out from England, for the supply of the fleet and army with necessary Stores, such as wines, spirits, woolens and linens, &c. have also supplied the town in great abundance.

The 9th inst. a fleet of victuallers, with 500 recruits, arrived here from Cork, in 8 weeks. They were dogged several days on this coast by a brigand schooner, supposed to be rebel privateers. (4)

Tuesday last about 200 transports sailed from Sandy-Hook for Great-Britain, under convoy of his majesty's ships Fowey and Active. (5) In the former his Excellency Lord Dunmore took his passage for England.

NEW-YORK, December 2. (6)

On Tuesday the Perseus and the Galatea, two Frigates sheathed with copper and reckoned to out-sail almost any vessels that can be framed, came into the harbour from a cruize. The Galatea alone has taken or re-taken 13 or 16 prizes, and sent them safe into harbour.

We hear that Lord Cornwallis with the detachment of the army under his command, is in possession of Hackensack, Newark, Elizabeth-Town, Woodbridge, and the parts adjacent.

Copy of the SUMMONS *sent by the Commander of Fort Washington. (9)*

Nov. 16, 1776.

The commander in chief demands an immediate and categorical answer to his second summons of Fort-Washington.

The garrison must immediately surrender prisoners of war, and give up all their arms, ammunition and stores of every kind, and find two field officers to head quarters as hostages; in so doing the general is pleased to allow the garrison to keep possession of their baggage, and the officers to have their swords.

J. PATERSON, Adj. General.

Agreed to ROBERT MAGAW, Col. 5th Pennsylvania bat. commanding at Fort-Washington. (10)

December 2, 1776.

PROVIDENCE, December 14.

Sunday, Monday last Commodore Sir Peter Parker, with about 70 Sail of Men of War and Transports, came into our Bay from New-York, and anchored above the Harbour of Newport. On Sunday they landed a Body of Troops under the Generals Clinton and Piercy, who took Possession of the Town, the Inhabitants having previously determined that the Place was not defensible against the Enemy's Shipping. (6) The few Troops we had on the Island retreated to Bristol, leaving behind them some Pieces of Artillery. By the best Accounts yet received, the Enemy's Troops do not consist of more than 5000 Men; among them about a Number of Hessians and some Horse, and many Invalids. They are intrenching, it is said, at a Place called Meeting-House Hill, three Miles distant from Bristol Ferry. (7) (8)

From the first Appearance of the Fleet, the Militia and Independent Companies of this State have been in Motion, and are since joined by a large Body of Troops, with some Companies of Artillery, from the neighbouring States.

The Readiness and Zeal manifested on the Occasion by the Troops of this and our Sister States, reflect on them the highest Credit, and we hope will prove a happy Escape to their Country, should the Enemy attempt to gain a Lodgment in this Town, or penetrate the Country.

We hear that the Enemy's Troops were *escorted* into Newport by a Set of well known infamous Tories, who have long infested that Town, and who may *yet* possibly meet with the *Fate* justly due to their atrocious Villanies. (6)

We learn that two of the Enemy's Frigates lie at or near Seconet Passage, another near Bristol, and a fourth at the North End of Prudence Island.

Some Persons, it is said, have been taken up and committed to Gaol at Newport, for the heinous Crime of bearing Arms against the King of Great-Britain.

Thursday last a Person by the Name of Wood was brought to Town, and committed to Gaol, having been detected in carrying Provisions to Newport.

By a Gentleman from the Western Army we learn, that General Howe, and about 9000 of his Troops, are at Brunswick and Elizabeth-Town; that General Washington, with Part of the American Army, are in the Enemy's Front, at Princeton and Trenton, and the Generals Lee, Gates and Sullivan, in their Rear. (5) So that we may daily expect important Intelligence from that Quarter.

Just come to hand and now selling by J. GILL, (neatly bound, gilt and plain, very cheap) at his Office in Queen-Street.

COUNSELS and COMFORTS to TROUBLED CHRISTIANS, in eight SERMONS, by JAMES ROBE, M. A. Minister of the Gospel at KILSYTH. With an Essay shewing, that true Religion is neither the Cause nor Effect of Vapours and Melancholy. Also, in Mr. Samuel Clifford's Collection upon Religious Melancholy,—and Mr. Timothy Rogers's Advice to the Friends of Melancholy. *Isaiah* 40. 1. Comfort ye, Comfort ye, my People, saith your God.

To be sold by PUBLIC AUCTION, On FRIDAY NEXT, the 20th of *December*, At JOHN ROWE, Esq'rs Wharf,

Part of the Cargo of the Prize ship *Julius Cæsar*,

THIRTY-three hogsheads of rum, two casks rum shrub, one hogshead Hollands geneva, eighty-three casks red Port wine in bottles, ninety-five barrels and two chests of claret in bottles, forty-seven tierces and ninety-two barrels of porter in bottles, eight quarter cask of vidonia, twenty-seven boxes of mould candles, a quantity of broken Cheshire and Gloucester cheese, four hogsheads of gingerbread, one hundred kegs of split peas, some crates of cream coloured stone ware sorted, some crates of white flint mustard bottles. The sale will begin at ten o'clock.

WILLIAM GREENLEAF, Sheriff.

TO BE SOLD BY PUBLIC AUCTION,

On FRIDAY the 27th of December,

At WILLIAM GREENLEAF's Office in Cornhill,

PART of the CARGO of the prize ship JULIUS CÆSAR, consisting of 30 dozen women's and misses, 22 dozen ditto of leather, 4 pieces of grab cord roy, 20 dozen of 7/8 handkerchiefs, 12 pieces dimity lows, 2 pieces dimity jeanet, 4 pieces white ditto, 2 pieces black denim, 8 pieces corduroys, 2 pieces velveret, 10 pieces Dutch cord, 10 pieces fearnought duffy, 2 pieces broad cord, 3 pieces printed jeanet, 4 pieces silk damask cut, a box pieces sorted, a box of stationary sorted, 30 pieces 3/4 blue handkerchiefs, 9 pieces red ditto, 3 pieces light ground ditto, 5 pieces purple ditto, 2 pieces fancy ditto, 27 pieces printed linen, 7 pieces 1 qrt chintz, 42 pieces callico, 14 pieces figured lawns, 9 pieces plain ditto, 6 pieces long lawn, 1 piece yard wide jaconet, 2 pieces jaconets, 3 pieces striped and checked durile, 60 dozen diaper table cloths, 13 pieces cambrick, and 42 small boxes flint glass sorted. The sale will begin at ten o'clock.

W. GREENLEAF, Sheriff.

State of Massachusetts Bay, Maritime Court, Eastern District. } *To all and every the persons concern.*

A Libel is filed before me, in behalf of the owners of, and the officers and crew on board the private armed schooner DOLPHIN, against the brigantine *Betsey*, burthen about 90 tons, said to be the property of some subject of the king of Great-Britain—Another Libel is filed in behalf of *Thomas Stileson*, Esq; and others, against the sloop *Sally*, burthen about 40 tons, said to have been improved in carrying supplies to the enemies of the American States.—Another Libel is filed in behalf of *William Eliot*, and others, against a schooner, the name unknown, burthened about 70 tons, and supposed formerly to be under the care of —— Vickery, and taken by the armed ship Albany, in the service of the king of Great-Britain, and retaken by the said Eliot and others. All which vessels were taken and brought into said district. And for the trial of the justice of said captures, a Maritime Court for said district will be held in the East Precinct in Pownalboro', on Thursday the eighth Day of January 1777, at the hour of Ten in the Forenoon, when all Persons concerned in said Vessels, their Appurtenances or Cargoes, may appear and shew cause, if any they have, why they or either of them should not be condemned. TIM. LANGDON, *Judge of (said Court.*

TO BE SOLD By

T. & J. FLEET, at the *Bible & Heart* in Cornhill.

[Price 1/8d with the Plans and ... inher]

The Manual Exercise,

Commonly called

The 64th Exercise.

Together with Plans and Explanations of the Method generally practis'd at Reviews & Field Days.

CONTENTS.

THIRTY-FIVE Words of Command, the Number of Motions in each, with their Explanations; and the Position of a Soldier under Arms, Page 3 to 10.

Explanation of Priming and Loading, containing 15 Motions. P. 11.

Explanation of the Position of each Rank in the Firing of the Front, Center, and Rear Ranks. P. 12 to 14.

The Method generally practis'd by Regiments at Reviews and Field-Days, in performing the Firings, Evolutions, &c. &c. with Plans explaining the same in a very familiar Manner. P. 15. to 21.

Explanations of Firings by Sub and Grand-Divisions, both advancing and retreating. P. 22 to 25.

Instructions for young Officers, by General WOLFE. P. 26.

Manoeuvres usually practis'd, viz. Wheeling by Companies at close Ranks. P. 27.—Advancing and Retreating by Files from the Right of Grand Divisions. P. 28.—Advancing by Files from the Center of Grand Divisions. P. 29.—Advancing by Files from the Center of each Wing. P. 30.—Advancing by Files from the Center of the Battalion. P. 31.—From the Right of the Left Wing, forming the Oblong Square by Companies, P. 32.—Forming the Oblong Square from a Battalion marching in Columns by Companies at Half Distance. P. 33.—Forming Columns by Companies from the Center of the Battalion. P. 34.—Forming Columns by Grand Divisions from the Right. P. 35.—Passing a Defile or Bridge by Half Companies from the Center. P. 36.—Together with an explanatory Plan of each Manoeuvre.

A Charge and Volley by Battalion. P. 37 and 38.

Directions for Dressing Ranks——Covering File Leaders——Marching and Wheeling——and how the Performance of all Manoeuvres may be done. P. 39.

Also, an easy Method of Sizing a Company; by an Officer late in the Militia of Massachusetts Bay. P. 40.

At the same Place may be had,

The celebrated Dr. PRICE's Observations on the Nature of CIVIL LIBERTY.

BOSTON, December 19. (13)

The militia of Salem were ordered to muster, in order to draft every fourth man to reinforce the army at the southward, when eighty-five turned out volunteers, among whom were gentlemen of the first character in the place, who marched through this town yesterday, in order to join the army, and made a most martial appearance.

We find by the York paper, that Sharwin, Thomas Courtney and son taylors, James and Patrick M'Masters merchants, carry on their several occupations in the city of New York. (14)

By a gentleman directly from Philadelphia, who arrived here last Tuesday evening, we learn, that General Washington's army, and general Howe's were approaching each other; and that a general action soon taking place seem'd unavoidable.

(9) see page 1036, 1041, 1045, 1048, 1052

(10) see index, under New York

(11) see pa. 1060

(12) see index, down, under Army, British, & Men of War

(13) see the Act, page, 1051.

(14) Tories, who fled from Boston, with the Army, pa. 905

V see index, under Congress Continental. — see index, under army of the United the British, & Men of War (see index, under Army of the United Colonies (1) See address to Ireland, pa. 787. (2) see pa. 800. (3) I believe this is false. (4) see index, under Naval Affairs (5) see indexes, under Troops British (6) See indexes, under Men of War (7) see pa. 957. (8) Tories, who fled from Boston, with the Troops, see pa. 905.

From the St. James's Chronicle.

To the PRINTER.

SIR,

THE deplorable State to which the Miniſtry have reduced this Country and America, ſeems to have been as unprovoked as it was ruinous and unwiſe.

America was our Reſource in War, and our Riches in Peace. ◊ If Armaments were to be fitted out, to cut off thoſe greateſt Sources of Wealth and Strength to our Enemies, their Iſlands, American Men, American Sailers, American Proviſions, were ready for the Purpoſe ◊ The Miniſtry have removed thoſe Fears from our Enemies, and transferred them to ourſelves. If we were ſtarving at Home, American Grain was our Relief. ◊ Th s too is cut off. (a)

But we are told, if we ranſack Hiſtory, Records, Statutes, Books, and Writings, we may muſter ſtrange Charges againſt theſe Americans. They ſometimes winched and flinched under Government; at other Times they ſmuggled and contrabanded in Trade. Theſe are truly weighty Matters. Were not they, upon the Whole, moſt obedient Subjects in Peace? It was as rare to find a Rebel as a Phœnix among them. Where they not zealous Allies in War? It is but between ten and twenty Years ſince they helped us to ſubdue no ſmall Portion of the Globe. (1) Did not we, to a great Degree, direct their Trade? We have received from them Mines of Riches by that Means. ◊ What real Wrongs did they ever once offer us? They planted themſelves at their own expence, and are nevertheleſs known and acknowledged among Mankind for the moſt noble and moſt beneficial Colonies ever annexed to any Nation ◊ Why ſhould we then trouble ourſelves about Trifles, or make Mountains of Molehills, when the Whole went ſo very well? Do we expect, that Nature ſhould, to content our Humours, have made Millions of Men without the Paſſions and Senſations common to our Species, or are we ourſelves exempt from thoſe at Home? Such Things it may be ſaid, betrayed a lurking and latent Fire which might one Day flame forth. But I aſk when and how, in what Manner, or at what Diſtance? Any ſuch pretence is, as to the preſent Time, totally groundleſs, contradictory both to the Fact and to our own Conduct. If a ſpirit of Rebellion or of Sedition, was ſpread and riſe throughout our Provinces, how came our cunning Men, with all their Lights, to be ignorant of it? or knowing that a number of Barrels of Gunpowder were ready heaped up and prepared, why did they themſelves, with their own Hands, lay the Trains and put the Match to them? (2) This would have been full as abſurd an action as their Friends exerciſes are to reaſon. The Truth is, that inſtead of owning and of amending our Errors, now that they are become ſo plain as to be perceived both by ourſelves and the whole World, ſome of us ſeek or encourage others to ſeek theſe poor, paltry, contemptible ſubterfuges, as a colour or an excuſe for our crying Injuſtice and Ingratitude with regard to the Americans, and our moſt wretched and ruinous Conduct with reſpect to our Country at home.

Yet the Men, from whoſe pernicious councils and deſpotic views our calamities have flowed, are not only unpuniſhed, but rewarded. They fatten upon our Ruin: they inſult our Misfortunes; they deride our Complaints, and dare our Vengeance.

We, alas! have forgot that we are the Deſcendants of thoſe Anceſtors, who called not only Miniſters but Monarchs to a dreadful account for their Miſrule. Our commerce is half ruined; our Colonies wholly loſt; our Taxes increaſed, and our abilities diminiſhed. The immoveable inſenſibility with which we view theſe Injuries, and the Ruin that approaches, ſeems as if the Dreadfulneſs of the Calamity had bereft us of our Faculties, or we were Planet ſtruck for the Deſtruction to which we were deſtined.

AN ENGLISHMAN.

IN Purſuance of an Act of the General Aſſembly of this State, entitled "An Act to prevent Monopoly and Oppreſſion;" the *Select-Men* and *Committee of Correſpondence* of this Town have ſtated and affixed the following Prices to certain Articles not enumerated in ſaid Act; which Prices are to continue as a Rule to the Buyer and Seller to 15th *April* next: And do hereby earneſtly recommend it to all good People, to conform themſelves thereto, as they would avoid the Contempt of their Fellow-Countrymen, and the Penalties annexed to the Breaches of ſaid Act. *Some of theſe articles were ſet at a higher rate by an additional Act, which was afterwards repealed.*

COD Fiſh and Haddock, guts and gills out, Two Pence half-penny per Pound.

Tom-Cod and Flounders, One Penny half-penny per Pound.

Hallaboat by Piece, Four Pence, p. lb. Smelts, Four Pence,

Eels ſkin'd and gutted, Four Pence per Pound.

Carting Wood from the Wharves to the Buyer's Houſe, including every Expence but the Firſt Coſt, in conſideration of the Wharfingers retailing in ſmall Quantities, Six Shillings per Cord.

Trucking a ſingle Hogſhead, Two Shillings,

Tierces in proportion,

Trucking Barrels, a Load, 8 to a Load, Four Shillings,

Carting or Trucking Merchandize, not included in Caſks, Four Shillings per Ton, and in proportion for a Quarter of a Ton.

Men's beſt made Calf-ſkin Shoes not to exceed, Twelve Shillings a Pair,

Boys ditto in a juſt proportion,

Women's Leather Shoes, Five Shillings,

Women's Cloth Shoes, Seven Shillings,

Men's beſt Beaver Hats, Forty-eight Shillings a Piece,

Soap, good Merchantable, deliver'd at the Houſe of the Purchaſer, Twenty Shillings per Barrel and one Penny three Farthings per ſingle Pound,

Tallow dip'd Candles, Nine Pence per the Box, and Ten Pence a ſingle Pound,

Salt and Meadow Hay, Two Shillings per Hundred,

Rice, Thirty Shillings per Hundred, Eight and Six Pence per Quarter, and Four Pence per Pound,

◊ Loaf Sugar, One Shilling and Six Pence per the Quantity or ſingle Loaf,

Vinegar, One Shilling per Gallon,

Onions, Eight Pence per Half Peck, Fourteen Pence per Peck, Two Shillings per Half Buſhel, and Four Shillings per Buſhel,

Carrots, Four Pence per Half Peck, Seven Pence per Peck, One Shilling per Half Buſhel, and Two Shillings per Buſhel,

Parſnips, Eight Pence per Half Peck, Fourteen Pence per Peck, Two Shillings, per Half Buſhel, and Four Shillings per Buſhel,

Turnips, Three Pence per Half Peck, Five Pence per Peck, Nine Pence per Half Buſhel, and One Shilling and Six Pence per Buſhel,

Potatoes, Four Pence per Half Peck, Seven Pence per Peck, One Shilling per Half Buſhel, and Two Shillings per Buſhel,

Eggs, Nine Pence per Dozen,

Merchantable Hogſhead Hoops to be ſurvey'd, Fourteen Foot Long, at Twelve Shillings per Hundred,

Ditto ſhorter than Eleven Foot, Nine Shillings; Twelve Foot, Ten Shillings,

Ditto Barrel Hoops to be ſurvey'd, Nine Foot Long, Six Shillings per Hundred,

Ditto ſhorter than Nine Foot in proportion,

Red Oak Hogſheads Staves, Three Pounds per Thouſand.

White Oak Ditto, Six Pounds per Thouſand,

Red Oak Barrel Staves, One Pound Eight Shillings per Thouſand,

White Oak Ditto, Three Pound per Thouſand,

Clean Try'd Hogs Fat, Six Pence for any Quantity, and Eight Pence by the ſingle Pound,

Merchantable Boards by Retail, Three Pound per Thouſand,

Clear ſeaſon'd Boards, Three Pounds Twelve Shillings per Thouſand,

Good Cyder clean drawn from the Lees, with the Barrel Twenty Shillings, and Seventeen Shillings without.

All Cord Wood from the Country, beſides Oak and Walnut, to the Buyer Home Twenty-ſix Shillings per Cord. (6) ◊ From Europe, or any other Part, nomore, See act. Gills Paper, ma. 20. 1777

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1 See list of Grievances, pa. 971, Vol. 2 & pa. 549 & Cro. pa. 742, & & list of Grievances, pa. 971. ◊ See Pitt's Speech, pa. 103 Vol. I—Index, under American Colonies, &c.

(a) See Extraordinary Act, pa. 721, & Subſiſtence of the Pirate Act, pa. 931, &

(1) See Merits of the Maſſ. Bay, pa. 557.

(2) We Conſented to a regulation of Trade, ſee page 591, Vol. 3, & pa. 667, 685, 1228

(3) See page in index, under America, &c. ◊ See index, under Numbers

(4) See list of Grievances, pa. 971.

1 See the Act, page 1058.

(6) See page 989—the Marginal Note at the Bottom, & Sup.

(5) See Kings Speech, pa. 867—& Commons, &c. addreſs, pa. 910.

(6) See declaration of independency

An Act against Treason, & Misprision of Treason, & for regulating Trials in such Cases, & for directing the mode of executing Judgments against Persons attainted of Felony.

BE it enacted and declared by the Council and House of Representatives in general Court Assembled, and by the authority of the same, That all persons abiding within the State, and owing Protection from the Laws of the same, owe Allegiance to this State, and are members thereof; and that all Persons passing through, visiting, or making a temporary stay in this State, being intitled to, and actually receiving the Protection of the Laws during the time of such visitation, or temporary stay, owe during the same time Allegiance to this State.

And be it further enacted by the Authority aforesaid, That all Persons, Members of, or owing Allegiance to this State, as before discribed, who shall within or without the Limits of this State, levy War, or conspire to levy War against this State, or against any other of the United States of America, or shall within, or without the Limits of this State, be adherent to the Enemies of this State, or any other of the said United States, giving to them aid and comfort within, or without the Limits of this State—and thereof be proveably attainted of open Deed by the People of their ~~same~~ condition, such Persons shall be taken, deemed and adjudged Guilty of Treason against this State, and shall suffer the Pains of Death without the benefit of Clergy.

And be it further Enacted by the Authority aforesaid, that all Persons owing allegiance to any other of the said United States, who shall within this State levy War, or conspire to levy War against this, or any other of the said United States, or be adherent to the enemies of this, or any other of the said United States, giving to them aid and comfort within this State, and thereof be proveably attainted of open Deed by the People of their condition, such Persons shall be taken, deemed, and adjudged Guilty of Treason against this State, and shall suffer as is aforesaid mentioned.

And be it further enacted by the authority aforesaid, That concealment, or misprision of any Treason, be deemed and taken only Misprision of Treason, and the offender therein shall forfeit to the use of this State all his goods, and Chattles, and the profits of his Lands during his life, and shall and may be imprisoned for a term not less than two Years nor exceeding five Years, at the discretion of the Court before

✠ see Act against Crimes below Treason, or Misprision of Treason, pa. 1005

before whom he shall be convicted.

And be it further enacted by the authority aforesaid, that any Person who shall know of any Treason to be committed (and is no party or consenter to it) and shall not within a reasonable time give information thereof upon oath to one of the Justices of the Superior Court of Judicature, Court of Assize, and general Goal delivery, or some Justice of the Peace within this state, to the end the Offender, or Offenders therein may be apprehended, and be amenable to Justice, shall be taken and deemed to be guilty of Misprision of Treason, or concealment of Treason.

And be it further enacted by the Authority aforesaid, that all manner of offences made and declared by this Act, or which shall hereafter be made, and declared by any the Laws and Statutes of this State, to be Treason, Misprision of Treason, or concealment of Treason, which shall hereafter be done, perpetrated or committed by any Person, or Persons without the limits of this State, shall be enquired of, heard and determined before the Justices of the Superior Court of Judicature, Court of Assize and general Goal delivery, within such County as the Supreme Executive Authority of this State shall order and direct, by good and Lawful Men of the same County, in like manner and form, to all intents and Purposes, as if such Treasons, Misprisions of Treasons, or concealment of Treason had been done, perpetrated and committed within the same County.

And be it further enacted by the Authority aforesaid, That if any Person or Persons being indicted for any the Treasons, or misprisions of the Treasons aforesaid, may be outlawed, and thereby attainted of, or for any of the said Offences of Treason, or misprision of Treason. And that all Process of Outlawry hereafter to be made and had within this State, against any Offenders in Treason, or Misprision of Treason, being resiant or inhabitant out of the limits of this State at the time of the outlawry pronounced against them, shall be as good and effectual in the Law to all intents and Purposes as if any such offenders had been resident and Dwelling within this State, at the time of such Process awarded and Outlawry pronounced.

Provided always, and be it enacted by the Authority aforesaid, that if the Party so hereafter to be outlawed shall within one Year next after the said Outlawry pronounced, or Judgement given upon the said outlawry, yield himself unto the chief Justice of the State for the time being, and offer to traverse the Indictment, whereupon the said outlawry shall be pronounced as is aforesaid, that then he shall be received to the said Traverse, and being thereupon found not guilty, by the verdict of twelve good, and lawful Men, he shall be clearly acquitted and discharged of the said outlawry, and of all penalties and Forfeitures by reason of the same, in as large and Ample manner and Form as though no such outlawry had been made. And whereafter such outlawry the Party Outlawed shall come in and be tried as aforesaid, he shall upon such trial have the full benefit of this Act.

And be it further enacted by the Authority aforesaid, that every offender and Offenders being hereafter lawfully convicted of any manner of Treasons by Process of outlawry, according to the due course of Law, shall lose and forfeit to the use of this State, all goods and Chattles which he shall be possessed of at the time of such conviction, and all Lands, Tenements and Hereditaments, which any such Offender, or Offenders shall have of any estate of inheritance in use or

Possession

Possessions by any Right, Title or means within this State or elsewhere, at the time of any such Treason committed, or any time after. Saving to every Person and Persons, their Heirs and Successors, (other than the Offenders in any Treasons, their heirs and Successors, and such Person and Persons as claim to any their uses) all such rights, titles, interests, Possessions, Leases, Rents, Offices, and other Profits which they shall have at the Day of committing such Treasons, or at any time afore, in as large and ample Manner as if this Act had never been made.

Whereas nothing is more just and reasonable than that Persons prosecuted for Treason and Misprision of Treason, whereby their Liberties, Lives, Honor, and Estates may be lost and taken away, should be justly and equally tried, and that Persons accused as Offenders therein, should not be debarred of all just and equal means for defence of their innocency in such cases; in order thereunto, and for the better Regulation of Trials of Persons prosecuted for Treasons, and Misprision of Treason:

Be it enacted by the Authority aforesaid, That all and every Person, and Persons whatsoever that shall be accused and indicted for Treason, or for Misprision of Treason, shall have a true copy of the whole indictment delivered unto them, or any of them, two full Days at the least, before he or they shall be arraigned for the same, whereby to enable them, and any of them respectively, to advise with Council thereupon to plead and make their defence, his or their Attorney or attornies, Agent or agents, or any of them requiring the same, and paying the Officer his reasonable Fees for writing thereof, not exceeding Six shillings for the Copy of every such indictment: and that every such Person so accused and indicted, arraigned or tried for any ~~such~~ Treason as aforesaid, or for misprision of Treason, shall be received and admitted to make his and their full Defence by Counsel learned in the Law, and to make any Proof that he or they can produce by Lawful Witness or Witnesses, who shall be upon oath for his and their just defence in that behalf: and in case any Person, or Persons so accused and indicted shall desire counsel, the Court before whom such Person, or Persons shall be tried, or some Judge of that Court, shall, and is hereby authorised and required immediately upon his or their request, to assign to such Person, or Persons, such and so many Counsel, not exceeding Two as the Person, or Persons shall desire, to whom such Counsel shall have free access at all seasonable hours.

And be it further enacted by the authority aforesaid, that no Person, or Persons whatsoever shall be indicted, tried, or tainted of Treason, or of Misprision of Treason, but by and upon the oaths and testimony of two lawful Witnesses, either both of them to the same overt Act, or one of them to one, and the other of them to another overt Act of the same species of Treason, unless the ~~Party~~ Party indicted and arraigned, or tried, shall willingly, without violence, in open Court confess the same.

And be it further enacted by the Authority aforesaid, that if any Person indicted for Treason, or misprision of Treason, and being arraigned thereupon shall

stand mute, a Jury shall ~~forewith~~ forthwith be impannelled and sworn to try & say, whether the Person so standing mute, standing mute by the Providence and act of God, or fraudently, wilfully and obstinately; and if they shall return their verdict that he standeth mute by the Providence and act of God, the Court shall thereupon cause him to be remanded to Prison, and shall not proceed against him until he he shall have recovered ~~his~~ therefrom; but if the Jury shall ~~find~~ return their Verdict that the Prisoner so standing mute, standeth mute fraudulently, willfully and obstinately, then the Court shall cause to be entered upon the indictment against the Prisoner the plea of not guilty, and shall proceed upon his trial in like manner in all respects as if the Prisoner had voluntarily pleaded the same plea thereto, and put himself upon God and ~~his~~ the Country for his trial, except that the Prisoner shall not be admitted to make any challenges to the Jurors.

And be it further enacted by the Authority aforesaid, that every Person indicted for Treason, or Misprision of Treason, who shall have voluntarily and duly pleaded to such indictment, and put himself upon God and the Country for trial, shall be admitted peremptorily to challenge twenty of the Jury, and no more; and if any Person indicted as aforesaid, after having voluntarily pleaded as aforesaid, shall refuse to put himself upon God and the Country for Trial, or shall peremptorily challenge a greater number of the Jury than Twenty, the Court shall disallow of all such challenges, over and above the said number of Twenty, and the Jury shall be charged, and the trial shall proceed in like manner, in all respects, and the like judgment shall be given, as would and ought to have been had and given if the Person so indicted as aforesaid, and having pleaded as aforesaid, had duly put himself upon God and the Country for his Trial, and had not peremptorily challenged a greater number of the Jury than in and by this Act he is ~~permitted~~ admitted to challenge.

And be it further enacted by the Authority aforesaid, that the attorney general, or any other Person prosecuting

prosecuting for and in behalf of this State, shall not be admitted in any case whatever peremptorily to challenge any Juror about to be ~~impelle~~ impannelled for the trial of any Criminal accusation or Charge.

and be it further enacted by the authority aforesaid, that if two or more distinct treasons of divers Heads or kinds shall be alledged in one Bill of indictment, one witness produced to prove one of the said Treasons, and another witness produced to prove another of the said Treasons, shall not be deemed or taken to be two witnesses to the same Treason, within the meaning of this Act.

And be it further enacted by the authority aforesaid, That no evidence shall be admitted or given of any overt Act that is not expressly laid in the indictment against any person, or persons whatsoever.

And be it further enacted by the Authority aforesaid, that all and every person and persons who shall be accused, indicted and tried for Treason as aforesaid, or for misprision of Treason, shall have copies of the Pannel of the Jurors who are to try them, delivered unto them and every of them so accused and indicted respectively, two days at least before he or they shall be tried for the same: and that all persons so accused and indicted for any Treason as aforesaid, or for misprision of Treason, shall have the like Process of the Court where they shall be tried to compel their witnesses to appear for them at any such Trial or Trials as is usually granted to compel witnesses to appear against them.

And be it further enacted by the Authority aforesaid, that no indictment for any of the offences aforesaid, nor any process or returns thereupon, shall be quashed on the motion of the Prisoner or his Counsel, for mis-writing, mis-spelling, false or improper english, unless exception concerning the same be taken and made in the respective Courts where such trial shall be, by the Prisoner or his Counsel assigned before any evidence given in open Court upon such indictment; nor shall any such mis-writing, mis-spelling, false or improper English after Conviction on such indictment be any cause to stay or arrest Judgement thereupon.

and be it further enacted by the authority aforesaid, that Judgment given upon any indictment shall and may be liable to be reversed upon a writ of error to be brought by the Person thereby attainted, or in case of his Death, by any of his heirs in the same Court wherein such Judgment was had and given.

And to the intent that the terror and Dread of such Criminal Prosecutions may in some reasonable time be removed,

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Be it further enacted by the Authority aforesaid, that no Person or Persons whatsoever, shall be indicted, tried or prosecuted for any Treason or for misprision of Treason, that shall be committed or done in violation of this Act, unless the indictment for the same be found within Three Years next after the Treason done or committed.

Provided always, and be it further enacted by the Authority aforesaid, that this act or any thing therein contained, or any attainder or attainders of any Person, or Persons for any offence or offences made Treason by this Act shall not in any wise extend, or be judged, interpreted or expounded to make any corruption of Blood to any the heir or heirs of any such Offender, or Offenders, or to make the Wife of any such Offender to lose or forfeit her Dower of or in any Lands, Tenements or Hereditaments, or her Title, Action or interest in or to the same, any thing in this Act contained or any other Law to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That this State shall be deemed and adjudged in actual and real Posession of the Lands, Tenements, Hereditaments, Uses, Goods, Chattles, and all other Things of the Offender attainted of Treason, or Misprision of Treason as aforesaid, which such Offender so being attainted, ought, or might lawfully lose and forfeit to the use of this State immediately upon such Attainder.

And be it further enacted by the Authority aforesaid, that every Person who shall be attainted of Treason within this State, whether Male, or Female, shall be punished by being hanged by the Neck until they are dead, and not otherwise; any Law or custom to the Contrary not withstanding.

And be it further enacted by the Authority aforesaid, that no Person upon whom sentence or judgment of Death shall be passed or given by the Justices of the Superior Court of Judicature, Court of Assize and general Goal delivery, shall be executed and put to Death in pursuance of such Judgment, before the whole Record of such Proceedings or case be certified by the Clerk of the same Court under the Seal thereof, to the supreme executive authority of this State, nor until a warrant shall be issued by the said supreme executive authority, under the great Seal of this State, with a copy of the Record thereunto annexed, directed to the Sheriff of the County wherein the trial of the Person so attainted as aforesaid, was had, commanding the same Sheriff to cause execution to be

be done upon the Person so attainted as aforesaid, in all things according to the Judgment against him. And the Sheriff to whom such warrant shall be directed, is hereby authorized and required to execute the same in due Form of Law.

Provided always, and be it Further enacted by the authority aforesaid, That such parts of this Act as relate to the regulation of Trials shall not extend, or be construed to extend to any impeachment or other proceeding in the General ~~Assembly~~ Assembly of this State.